IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.MC.No. 246 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.1015/2006 Dated 27/03/2006

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PETITIONER: PETITIONER/REVISION PETITIONER

K.R.VIJAYAKUMAR, AGED 45 YEARS,
S/O KUMARADAS, VINEETHA NIVAS, ELAVANCHALIL,
KODUVALLY P.O., KOZHIKODE DT.

BY ADV. SRI.E.NARAYANAN

RESPONDENTS: RESPONDENTS

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1. M/S YEM KEY FINANCE AND LEAGUE PVT. LTD.
LEELA TOWERS, KALLAI RAOD, CALICTU-673 002,
REP. BY ITS POWR OF ATTORNEY HOLDER
P.VIJAYA SARADHY, AGED 29 YEARS,
S/O.SREEDHARAN NAIR.

2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 246 of 2007

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Dated this the 1st day of February, 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. After the revisional order, the petitioner faces the sentence of imprisonment till rising of court and a direction to pay Rs.32,775/- as compensation and in default to undergo S.I. for a period of three months. According to the petitioner he is willing to pay the said amount. If he is willing to pay the said amount, I can see no reason why he has taken the trauma of approaching this Court by filing this petition. The decision in **Girish** v. **Muthoot Capital Services (P) Ltd.** (2007 (1) KLT 16) removes the last trace of doubt, if any, on this aspect. There is no necessity to issue any further direction. If the compensation amount is paid or deposited, there can be no question of the default sentence being enforced against the petitioner. No further directions appear to be necessary.

2. This Crl.M.C. is accordingly dismissed, but with the above specific observations.

(R. BASANT)
Judge

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